

Claimant contends that he suffered an injury to his left shoulder from overuse while compensating for his inability to use his right upper extremity after two right shoulder surgeries. Respondent contends that claimant's very limited activities with his left upper extremity would not be sufficient to create the type of injury diagnosed by Edward J. Prostic, M.D., in his medical examination of July 30, 2002. It is acknowledged that claimant was involved in very little physical activity with his left upper extremity. Nevertheless, the

causation opinion of Dr. Prostic is the only opinion before the Board at this time. The Board notes that claimant's medical records from orthopedic surgeon Michael T. McCoy, M.D., from September and November of 2001 show no limitation to the left arm. However, the report of Dr. Prostic is some eight to ten months later. Dr. Prostic's opinion is that claimant developed possible rotator cuff disease from overuse of the left upper extremity while compensating for the right. This opinion is uncontradicted in July 2002.

Uncontradicted evidence which is not improbable or unreasonable may not be disregarded unless it is shown to be untrustworthy.¹

The Board, therefore, finds for preliminary hearing purposes that claimant's left upper extremity problems developed as the result of overcompensating for his limited use of his right upper extremity following two shoulder surgeries. Therefore, the Order of the Administrative Law Judge granting claimant medical treatment and temporary benefits should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Bryce D. Benedict dated October 7, 2002, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of December 2002.

BOARD MEMBER

c: John J. Bryan, Attorney for Claimant
Jeffrey E. King, Attorney for Respondent
Bryce D. Benedict, Administrative Law Judge
Director, Division of Workers Compensation

¹ *Anderson v. Kinsley Sand & Gravel, Inc.*, 221 Kan. 191, 558 P.2d 146 (1976).